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Attorneys for the Plaintiff Tina Renna  
Participating Attorneys for  
The Rutherford Institute

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

<b>TINA RENNA,</b>	<b>:</b>	<b>Civil Action No. 11-3328</b>
	<b>:</b>	
<b>Plaintiff,</b>	<b>:</b>	
	<b>:</b>	
<b>vs.</b>	<b>:</b>	<b>DECLARATION OF</b>
	<b>:</b>	<b>WALTER M. LUERS IN</b>
<b>THE COUNTY OF UNION,</b>	<b>:</b>	<b>IN SUPPORT OF MOTION FOR</b>
<b>NEW JERSEY,</b>	<b>:</b>	<b>COUNSEL FEES, L. CIV. R. 54.2</b>
	<b>:</b>	
<b>Defendant.</b>	<b>:</b>	
	<b>:</b>	

I, Walter M. Luers, declare as follows:

1. I am an attorney licensed to practice in the State of New Jersey. My office is located at 23 West Main Street, Suite C202, Clinton, New Jersey. I am making this declaration in support of Plaintiff's application for an award of reasonable attorneys' fees. With respect to my time, I am seeking a lodestar award of \$15,990, based on 53.3 hours of work at an hourly rate of \$300 per hour.

2. This paragraph describes my education and work experience. I graduated from Rutgers University in 1996 with a Bachelors Degree in History and Political Science. In 1999, I graduated from Fordham University School of Law *cum laude*. After law school, I joined the Litigation Department of Patterson Belknap Webb & Tyler LLP (“PBWT”) in New York City, where I worked from August 1999 to August 2000 as a litigation associate. In September 2000, I clerked for one year for the late Honorable Milton Pollack in the United States District Court, Southern District of New York. In September 2001, I returned to the Litigation Department of PBWT as a litigation associate, and I enjoyed a broad litigation practice until January 2007. I began practice as a solo practitioner in January 2007, and I continue in that role today. I am admitted to practice law in New Jersey (1999), New York (2000), the United States District Court for the District of New Jersey (1999), the United States District Court for the Southern District of New York (2003), the United States District Court for the Eastern and Western Districts of New York (2004), and the United States Tax Court (2005). I am seeking an hourly rate of \$300 per hour.

Much of my legal work today involves litigating claims under New Jersey’s Open Public Records Act (“OPRA”). Regarding my work in the OPRA field, the New Jersey Law Journal named me one of its “2010 Lawyers of the Year.” (Mary Gallagher, “OPRA Warriors,” *N.J. Law Journal*, Dec. 23, 2010). I was counsel for Plaintiff John Paff in *Asbury Park Press v. County of Monmouth*, 406 N.J. Super. 1 (App. Div. 2009), *aff’d*, 201 N.J. 5 (2010) (*per curiam*), in which the Appellate Division reversed a holding of the Law Division and held as a matter of first impression that a settlement agreement between a public agency and public employee that resolved that employee’s allegations of sexual harassment and which contained a confidentiality

provision prohibiting public disclosure of that settlement agreement was a public record. I have also been counsel of record in several appeals regarding OPRA that resulted in published opinions, which are *Paff v. City of East Orange*, 407 N.J. Super. 221 (App. Div. 2009), *Paff v. County of Monmouth*, 201 N.J. 5 (2010) (*per curiam*), *Livecchia v. Borough of Mount Arlington*, 421 N.J. Super. 24 (App. Div. 2011) and *O'Boyle v. Borough of Longport*, 426 N.J. Super. 1 (App. Div. 2012), *petition for cert. granted*, 212 N.J. 431 (2012). I have argued twice before the New Jersey Supreme Court, in *Paff v. County of Monmouth* and in *O'Boyle v. Borough of Longport*, which is *sub judice*. At any one time I am handling forty cases pending mostly in New Jersey Superior Court, plus several in the Appellate Division, the New Jersey Supreme Court and the United States District Court for the District of New Jersey.

I have participated as a panel speaker in four continuing legal education courses regarding OPRA: two in December 2013 and at the New Jersey State Bar Association's Annual Meeting in May 2013 and May 2014.

With respect to the Bars where I have been admitted, I am in good standing, there are no grievance proceedings or any other disciplinary actions pending against me, and I have never been held in contempt of court, censured, disbarred or suspended by any court.

3. I am requesting an hourly rate of \$300 per hour. Several courts have recently awarded me this hourly rate in State OPRA cases. No judge has ever reduced my requested hourly rate.

4. I have represented Tina Renna continuously since February 2008 on OPRA matters in New Jersey Superior Court and the Appellate Division. On May 24, 2011, I entered into an agreement as a Participating Attorney with The Rutherford Institute to work with the

Institute and Mr. Daily in representing Ms. Renna. Mr. Daily's initial role was to file the Complaint because at the time I was not registered as an ECF filer, and afterwards everyone agreed that the case would benefit from Mr. Daily's greater experience in Federal Court and civil rights cases. Since 2011, I have continuously provided services to the Plaintiff, working with The Rutherford Institute and Mr. Daily. As the Court will see from my time entries, I was responsible for the relationship with the client; handling discovery; attending every case management and settlement conference (some with Mr. Daily, some without) and, after the filing of the Complaint, was responsible for filing the final drafts of all papers. I also participated, in varying degrees reflected in my time entries, in the drafting, review and revisions of all of the papers.

5. My fee arrangement with the Plaintiff is a complete contingency arrangement. No provision has been made between me and the Plaintiff for the payment of any money, I have not received payment for any of my work on this case, and there is no arrangement between me and Plaintiff for me to be paid in the future. I will only receive what the Court orders.

6. In connection with this case, I have rendered the services set forth in the itemization attached hereto. I have reviewed the time and charges set forth in this bill and the time spent was reasonable and necessary under the circumstances.

7. I have reviewed the time entries and the qualifications of Mr. McKusick and Mr. Daily. Based on my experience, their time entries are reasonable and their billing rates reflect the marketplace rates for attorneys of similar experience and qualifications in Northern New Jersey. My experience includes the dozens of successful fee applications that I have submitted in State Court since 2007, plus many additional dozens of cases where I settled the issue of

reasonable attorneys' fees. My review of fee applications and awards by State Courts in New Jersey in OPRA cases shows that hourly rates for attorneys of seventeen years' experience and greater ranges from \$350 per hour to \$520 per hour.

8. Based on the foregoing, I request a lodestar award of \$15,990, based on 53.3 hours of my time at my hourly rate of \$300 per hour.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 26<sup>th</sup> day of June, 2014

/s/ Walter M. Luers

Walter M. Luers

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June 26, 2014

**ITEMIZATION OF HOURS**

<b>Renna v. County of Union</b>		<b>2:11-3328 (KM)(MAH)</b>	
<b>DATE</b>	<b>HOURS</b>	<b>TIMEKEEPER</b>	<b>DESCRIPTION</b>
Mar. 15, 2011	.5	WML	Review email from Tina; review file; t/c with Rutherford Institute lawyer; review email from counsel to Tina Renna.
April 1, 2011	.2	WML	Review email from T. Renna and respond.
April 5, 2011	.1	WML	Review email from Doug McCusick.
April 5, 2011	.1	WML	Review Rutherford Institute retention agreement.
April 15, 2011	.3	WML	Discuss potential litigation with Tina Renna.
May 13, 2011	1.0	WML	Review draft complaint; review email from client; review client's revisions; email to Rutherford Institute attorney.
June 24, 2011	.4	WML	Attention to service of process; t/c with process server; review email from Rutherford Institute; respond; send second email to Rutherford Institute; review proof of service; send copy to Rutherford Institute and M. Daily.
June 24, 2011	.1	WML	Review email from Doug McKusick.
July 16, 2011	.3	WML	Review email from co-counsel and review Answer; review revival petition.
Oct. 28, 2011	.1	WML	Review email from M. Daily regarding Rule 16 conference.
Nov. 3, 2011	1.7	WML	T/c with Mike Daily regarding discovery and scheduling conference; t/c with Tina Renna regarding discovery; review Rule 26; prepare initial disclosures.
Nov. 10, 2011	1.1	WML	Review Court rules; review Court order; prepare draft joint discovery plan and send to

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			co-counsel.
Nov. 11, 2011	.3	WML	Place call to Mike Daily; place call to Norman Albert; email to Norman Albert regarding proposed joint discovery plan.
Nov. 14, 2011	1.5	WML	Review joint discovery plan; negotiate terms of plan with adversary; t/c with Mike Daily regarding discovery plan; review file; t/c with Chambers regarding how to transmit proposed plan to Court; review local rules regarding discovery plan; fax proposed joint discovery plan to Court and all parties.
Nov. 15, 2011	5.0	WML	Prepare for and attend initial scheduling conference; travel to and from Newark; confer with co-counsel.
Dec. 30, 2011	2.9	WML	Draft interrogatories; revise Rule 26 disclosures; serve and file notice of appearance.
Jan. 3, 2012	.1	WML	Review email from Rutherford Institute lawyer and reply.
Jan. 12, 2012	.3	WML	Exchange several emails with Tina Renna regarding settlement conference; t/c with Norman Albert regarding settlement and discovery; t/c with Court to confirm Court's preference for telephone call.
Jan. 13, 2012	.5	WML	T/c with Court regarding re-scheduling of settlement conference; prepare for settlement conference; confer with Norman Albert regarding settlement conference; draft letter to counsel and Court regarding re-scheduled settlement conference.
Jan. 18, 2012	.1	WML	T/c regarding scheduling of conference call.
Jan. 18, 2012	.9		Conference with Norman Albert regarding discovery and potential settlement; status and settlement teleconference with the Court; email to client regarding results of settlement teleconference.
Jan. 20, 2012	.1	WML	Review order from Court; update docket; email to client regarding her availability.
Feb. 6, 2012	2.7	WML	Travel to and from Court for mediation (1.5 hours); attend mediation with Judge Falk; subsequent emails with Ms. Renna and the Rutherford Institute.
Feb. 7, 2012	.1	WML	Review email from Doug at Rutherford Institute and respond.
Feb. 9, 2012	.2	WML	Review emails from client and co-counsel regarding discovery.

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Feb. 29, 2012	1.0	WML	Review file; update disclosures; t/c with Tina Renna regarding witness interviews; place calls to potential witnesses; email to co-counsel regarding potential depositions.
Mar. 1, 2012	.3	WML	Witness interview of Mark Smith.
Mar. 14, 2012	.1	WML	Review Court order and send email to client regarding settlement conference; update docket.
Mar. 15, 2012	.1	WML	Review email from client and respond.
Mar. 16, 2012	.1	WML	Review email from client and respond.
April 4, 2012	5.5	WML	Attend settlement conference, including travel and prep time.
July 11, 2012	.1	WML	T/c with client regarding status of case.
July 26, 2013	.1	WML	Review file; review notice from Court.
July 31, 2013	.4	WML	T/c with opposing counsel; review docket; review Local Rules and individual practices; draft joint status report.
Aug. 1, 2013	.1	WML	File status report through CM/ECF.
Aug. 6, 2013	.2	WML	Review Court order; email to client.
Aug. 9, 2013	.2	WML	Review August 5 Order; review motion day schedule for District Court; read Local Rules 7.1, 7.2 and 78.1; email to co-counsel regarding scheduling order.
Aug. 12, 2013	.1	WML	T/c with defense counsel's law clerk regarding scheduling order.
Aug. 12, 2013	.2	WML	Email to Team; review response; email to opposing counsel.
Aug. 13, 2013	.2	WML	Review order from Court and write letter responding to Court's order.
Aug. 14, 2013	.2	WML	Review Court order; email to client and co-counsel.
Aug. 22, 2013	.4	WML	Review file; review Rule 26 disclosures; email to Rutherford Institute lawyer; arrange for Defendants' Rule 26 disclosures to be duplicated.
Sept. 4, 2013	.2	WML	Attention to email correspondence with Rutherford Institute.
Sept. 12, 2013	.1	WML	Review email from co-counsel and respond.
Sept. 27, 2013	.2	WML	Review and exchange several emails with Doug McKusick.
Oct. 3, 2013	.2	WML	Review email from Doug McKusick; attention to draft documents.
Oct. 7, 2013	.2	WML	Review email from Doug McKusick; review draft documents.
Oct. 8, 2013	.4	WML	Attention to several emails regarding



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			summary judgment motions.
Oct. 10, 2013	.4	WML	Read draft of Statement of Undisputed Facts; exchange several emails with co-counsel regarding draft documents.
Oct. 10, 2013	.2	WML	Review and respond to emails from Rutherford Institute attorneys; read draft of Summary Judgment brief.
Oct. 10, 2013	2.9	WML	Review Local Rules 7.1, 7.2 and 56.1; review prior order scheduling dispositive motions; prepare notice of motion and proposed order; review procedures regarding ECF filing; review judicial preferences; review and revise Brief and Rule 56.1 Statement; review courtesy copies.
Oct. 15, 2013	.5	WML	Exchange several emails regarding papers filed by Defendant; t/c with Mr. McKusick.
Oct. 21, 2013	2.6	WML	Prepare response to undisputed statement of facts of UC; prepare response to supplemental undisputed statement of facts.
Oct. 21, 2013	.9	WML	Attention to service and filing of opposition papers.
Oct. 28, 2013	.4	WML	Read draft reply papers; prepare them for ECF fling; file reply papers; prepare cover letter transmitting hard copy to Chambers; email to co-counsel regarding same.
May 20, 2014	.2	WML	Review PACER entry; email to client and co-counsel regarding who will appear.
May 27, 2014	.2	WML	Exchange several emails regarding oral argument with co-counsel.
May 28, 2014	2.0	WML	Prepare for oral argument.
May 29, 2014	3.1	WML	Travel to Courthouse (.8) (no charge because travel was directly from residence and was not greater than commute to office); prepare for oral argument while waiting at Courthouse (.7); attend oral argument (.9); confer with client afterwards (.3); attention to forwarding electronic copy of seal to Court (.1); drive to office from Newark (1.0); email to team describing WML's impressions of oral argument; review email from client regarding her impressions of oral argument (.1).
May 30, 2014	.3	WML	Read opinion; read order; review Rule 54; several emails to co-counsel and client.
June 2, 2014	.2	WML	Review email and memorandum regarding attorneys fees application.

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June 3, 2014	.2	WML	Attention to multiple email correspondence.
June 10, 2014	.2	WML	Attention to email correspondence regarding fee application.
June 18, 2014	.5	WML	T/c with Mr. Daily regarding fee application; exchange several emails with co-counsel.
June 19, 2014	.2	WML	Attention to several emails regarding fee application.
June 23, 2014	.1	WML	Review email from co-counsel.
June 24, 2014	2.7		Review draft fee application documents; attention to attorney Declarations; prepare hours (.2).
June 25, 2014	2.3	WML	Work on Luers Declaration; review other attorneys' declarations.
June 26, 2014	2.0	WML	Attention to fee application, including proofreading all documents, revising Luers Declaration, revising motion papers, and causing the documents to be served and filed.
Hours	53.3	\$300	\$15,990.00